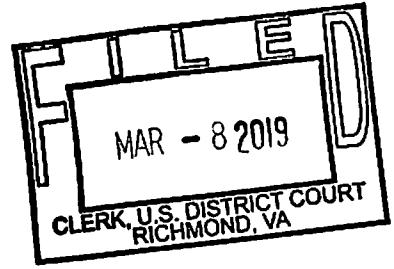


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



TODD ALFONZO TABB,
Petitioner,

v.

Civil Action No. 3:18CV299

BETH CABELL,
Respondent.

MEMORANDUM OPINION

Todd Alfonzo Tabb, a Virginia state prisoner proceeding pro se, brings this petition pursuant to 28 U.S.C. § 2254 ("§ 2254 Petition," ECF No. 1). Tabb challenges his conviction in the Circuit Court for the County of Charles City ("Circuit Court"). On February 8, 2019, the Magistrate Judge issued a Report and Recommendation that recommended denying the § 2254 Petition and dismissing the action because Tabb's lacked merit.

The Court advised Tabb that he could file objections within fourteen (14) days after the entry of the Report and Recommendation. More than fourteen (14) days have elapsed since the entry of the February 9, 2019 Report and Recommendation, and Tabb has not filed objections.

"The magistrate makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court." Estrada v. Witkowski, 816 F. Supp. 408, 410 (D.S.C. 1993) (citing Mathews v. Weber, 423 U.S. 261, 270-71 (1976)). This Court

"shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). "The filing of objections to a magistrate's report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties' dispute." Thomas v. Arn, 474 U.S. 140, 147 (1985). In the absence of a specific written objection, this Court may adopt a magistrate judge's recommendation without conducting a de novo review. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 316 (4th Cir. 2005).

There being no objections, the Report and Recommendation (ECF No. 12) will be accepted and adopted. The § 2254 Petition will be denied. Respondent's Motion to Dismiss (ECF No. 5) will be granted. The action will be dismissed. The Court will deny a certificate of appealability.

The Clerk of the Court is directed to send a copy of this Memorandum Opinion to Tabb and counsel of record.

It is so ORDERED.

/s/

RE

Robert E. Payne
Senior United States District Judge

Richmond, Virginia

Date: February 7, 2019

March

jksw